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6 | Attorneys for Plaintiffs Trust Funds

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE CEMENT  
11 MASONS HEALTH AND WELFARE TRUST  
12 FUND FOR NORTHERN CALIFORNIA;  
13 BOARD OF TRUSTEES OF THE CEMENT  
14 MASONS VACATION-HOLIDAY TRUST  
15 FUND FOR NORTHERN CALIFORNIA;  
16 BOARD OF TRUSTEES OF THE CEMENT  
17 MASONS PENSION TRUST FUND FOR  
18 NORTHERN CALIFORNIA; and BOARD OF  
19 TRUSTEES OF THE CEMENT MASONS  
20 TRAINING TRUST FUND FOR NORTHERN  
21 CALIFORNIA,

Case No.: C 08-03555 CRB

**PLAINTIFFS' NOTICE OF RELATED  
CASE; ADMINISTRATIVE MOTION TO  
RELATE CASES**

**Plaintiffs,**

V.

19 K.M. JACKSON ENGINEERING, INC., a  
California corporation and KURT THOMAS  
MCFADDEN, an individual,

#### **Defendants.**

22 BOARD OF TRUSTEES OF THE  
23 LABORERS HEALTH AND WELFARE  
24 TRUST FUND FOR NORTHERN  
25 CALIFORNIA; BOARD OF TRUSTEES OF  
26 THE LABORERS VACATION-HOLIDAY  
27 TRUST FUND FOR NORTHERN  
28 CALIFORNIA; BOARD OF TRUSTEES OF THE  
LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Case No.: C 08-03556 TEH

**Plaintiffs,**

V.

K.M. JACKSON ENGINEERING, INC., a California corporation and KURT THOMAS MCFADDEN, an individual,

#### Defendants.

Counsel for Plaintiffs in the two actions, identified above, hereby submits this Administrative Motion to Relate Cases. Both cases are collection cases under 29 U.S.C. §§ 1132(a)(3) and 1132(e)(1) (§§ 502(a)(3) and 502(e)(1) of the Employee Retirement Income Security Act of 1974, as amended), known as ERISA.

The first matter, entitled Board of Trustees of the Cement Masons Health and Welfare Trust Fund for Northern California, et al. v. K.M. Jackson Engineering, Inc., a California corporation; and Kurt Thomas McFadden, an Individual, Case No. C 08 03555 CRB is a collection action brought by the Cement Masons Trust Funds against defendants for failure of the defendants to submit employee fringe benefit contributions on behalf of covered employees.

The second matter, Board of Trustees of the Laborers Health and Welfare Trust Fund for Northern California, et al. v. K.M. Jackson Engineering, Inc., a California corporation; and Kurt Thomas McFadden, an Individual, Case No. C 08 03556 CRB is also a collection action, however, brought by the Laborers Trust Funds against defendants for failure of the defendants to submit employee fringe benefit contributions on behalf of covered employees.

The issues in these two cases are identical as they concern the obligation of the same defendants to pay into the two respective Trust Funds the employee fringe benefit contributions due and owing on behalf of their covered employees.

These cases will benefit by consolidation before a single judge. Consolidation will eliminate duplicate proceedings against the same defendants. The two Trust Funds are located in the same building and share the same auditor and management of their respective collections departments. The two Trust Funds are jointly administered. Consolidation of these two cases will promote efficiency in the use of testimony and exhibits prepared by plaintiffs Trust Funds.

1 If the matters are not consolidated, this will result in a waste of judicial resources by  
2 requiring a duplication of hearings and motions before two separate judges. Consolidation will  
3 result in the uniform application of damages against the defendants.

4 Based on the foregoing, the respective Trust Funds respectfully request that these cases  
5 be consolidated.

6 DATED: September 3, 2008

7 BULLIVANT HOUSER BAILEY PC

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11 Attorneys for Plaintiffs

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